

Standard-Setting Committee on Decent Work in the Platform Economy

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► Note for the Drafting Committee of the Conference

“Classification of status in employment” and “employment relationship” in the three language versions of the draft instruments on decent work in the platform economy

Classification of status in employment

The definition of “digital platform worker” in Article 1(b) of the draft Convention specifies that it applies “regardless of their classification of status in employment”.

Reference to digital platform workers’ classification of status in employment is also included in Article 1(d) (definition of remuneration or payment), Title VII, as well as Articles 11 and 22 of the draft Convention (no less favourable clauses).

The term “classification of status in employment” is a broad term that captures all workers. It is used in the International Classification of Status in Employment adopted by the International Conference of Labour Statisticians in 1993 and revised in 2018. The revised classification classifies workers as independent workers (with two main subcategories: employers and independent workers without employees) or as dependent workers (with three main subcategories: employees, dependent contractors and contributing family workers).

The French translation was “Classification internationale d’après la situation dans la profession” in 1993 and is “Classification internationale des statuts d’emploi” in the revised classification and in Spanish, as “Clasificación Internacional de la Situación en el Empleo” in 1993 and “Clasificación Internacional de la Situación en la Ocupación” in 2018. The 1993 language in Spanish was preferred for the purpose of the draft Convention as it is aligned with the English and French versions.

In Article 1(b)(iii) of the draft Convention, the term “classification of status in employment” is translated in Spanish as “clasificación de su situación en el Empleo” and in French as “qualification au regard des statuts d’emploi”. The term “qualification” is used in French as this is the correct legal term to “classify” persons.

Employment relationship

Article 8 of the draft Convention, which was adopted as amended, requires each Member to “take appropriate measures to ensure the correct classification of digital platform workers in respect of the existence or non-existence of an employment relationship”.

The term “employment relationship” has the same meaning as in the Employment Relationship Recommendation, 2006 (No. 198). It refers to the contractual situation of workers who are employees and not in a civil or commercial relationship. The correct translations of “employment relationship” are “relation de travail” in French and “relación de trabajo” in Spanish, as shown in the title of Recommendation No. 198 in French and Spanish: *Recommandation (n° 198) sur la relation de travail, 2006*, and *Recomendación sobre la relación de trabajo, 2006 (núm. 198)*.